

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1-35 (Canceled)

36. (Currently Amended) A system for providing data filtering from a cable modem termination system (CMTS) in a cable data network comprising:

the CMTS, wherein the CMTS comprises a packet counter, wherein the packet counter determines a number of packets sent to a subscriber device from the CMTS (herein, “downstream packets”) and a number of packets originating from the subscriber device and sent to the CMTS (herein, “upstream packets”), and a data gateway agent; a datastore accessible to the data gateway agent for storing a data transfer rule selected by a subscriber, wherein the selected data transfer rule comprises filtering criteria selected by the subscriber, and wherein the data transfer rule comprises a recurring time period during which the filtering criteria may be applied, and

wherein the gateway agent comprises instructions that cause the CMTS to:

receive a packet prior to receipt of the packet by the packet counter;

access the data transfer rule stored in the datastore;

determine whether the packet is received during the recurring time period;

use the filtering criteria to determine whether the packet violates the data transfer rule

when the packet is received during the recurring time period; and

forward the packet to the packet counter for counting when the packet is not received

during the recurring time period or does not violate the data transfer rule; and

apply a corrective measure to the packet when the packet is received during the

recurring time period and violates the data transfer rule.

~~send the subscriber device a notification message when the packet violates the data~~

~~transfer rule, wherein the notification message comprises a request for selection of~~

~~an option from the group consisting of an option to allow the packet to be sent or~~

~~received and an option to not allow the packet to be sent or received;~~

~~receive a response from the subscriber device comprising the selected option;~~

~~discard the packet when the selected option is to not allow the packet to be sent or~~

~~received; and~~

~~forward the packet to the packet counter for counting when the selected option is to allow the packet to be sent or received.~~

37. (Currently Amended) The system of claim 36, wherein the filtering criteria comprise ~~content~~ packet payload criteria and the instruction to use the filtering criteria to determine whether the packet violates the data transfer rule when the packet is received during the recurring time period comprises determining whether the packet comprises the ~~content~~ packet payload criteria when the packet is received during the recurring time period.

38. (Currently Amended) The system of claim 37, wherein the packet is an upstream packet and the ~~content~~ packet payload criteria are selected from the group consisting of subscriber personal information, a telephone number, a social security number, a driver's license number, a credit card number, and location information.

39. (Currently Amended) The system of claim 36, wherein the ~~filtering criteria comprise time criteria and wherein the instruction to use the filtering criteria to determine whether the packet violates the data transfer rule comprises determining whether the packet is received at the CMTS during a preset time period~~ recurring time period is selected from the group consisting of a time segment defined by times of day and a time segment defined by days of a week.

40. (Currently Amended) The system of claim 36, wherein the filtering criteria comprise ~~time criteria and~~ protocol type criteria and wherein the instruction to use the filtering criteria to determine whether the packet violates the data transfer rule when the packet is received during the recurring time period comprises determining whether the packet that is received at the CMTS during a ~~preset~~ the recurring time period uses a particular protocol when the packet is received during the recurring time period.

41. (Currently Amended) The system of claim 36, wherein the filtering criteria comprise protocol criteria and the instruction to use the filtering criteria to determine whether the packet violates the data transfer rule when the packet is received during the recurring time period comprises determining whether the packet received at the CMTS uses a particular protocol when the packet is received during the recurring time period.

42. (Currently Amended) The system of claim 36, wherein the gateway agent further comprises instructions that cause the CMTS to:

receive an upstream packet;

create an entry in a connection database, wherein the entry in the connection database comprises an upstream packet identifier that identifies the upstream packet as originating from the subscriber device; and  
receive a downstream packet, wherein the filtering criteria comprises the upstream packet identifier, and wherein the instruction to use the filtering criteria to determine whether the packet violates the data transfer rule when the packet is received during the recurring time period comprises determining whether the downstream packet comprises the upstream packet identifier when the packet is received during the recurring time period.

43. (Previously Presented) The system of claim 36, wherein the CMTS further comprises a billing agent and wherein the billing agent is configured to receive a subscriber count trigger and to transmit a count message to the subscriber comprising a current packet count upon the receipt of the subscriber count trigger.

44. (Previously Presented) The system of claim 43, wherein the subscriber count trigger is selected from the group consisting of an end of billing cycle, a receipt of a subscriber count request message, a subscriber count exceeding a subscriber selected trigger amount, and a subscriber count exceeding data over a cable carrier selected trigger amount.

45. (Previously Presented) The system of claim 43 wherein the billing agent is further configured to automatically transmit an electronic message identifying current subscriber data transfer counts to the subscriber upon the occurrence of the subscriber count trigger.

46. (Previously Presented) The system of claim 37, wherein the cable network is a hybrid fiber coaxial cable network.

47. (Currently Amended) A method for providing data filtering from a cable modem termination system (CMTS) in a cable data network, wherein the CMTS comprises a packet counter, wherein the packet counter determines a number of packets sent to a subscriber device from the CMTS (herein, “downstream packets”) and a number of packets originating from the subscriber device and sent to the CMTS (herein, “upstream packets”), and a data gateway agent, the method comprising:

receiving a packet prior to receipt of the packet by the packet counter;

accessing a data transfer rule selected by a subscriber stored in a datastore accessible to the data gateway agent, wherein the selected data transfer rule comprises filtering criteria

selected by the subscriber and wherein the data transfer rule comprises a recurring time period during which the filtering criteria may be applied, and  
using the filtering criteria to determine whether the packet violates the data transfer rule when the packet is received during the recurring time period;  
forwarding the packet to the packet counter for counting when the packet is not received during the recurring time period or does not violate the data transfer rule; and  
applying a corrective measure to the packet when the packet is received during the recurring time period and violates the data transfer rule.  
~~sending the subscriber device a notification message when the packet is received during the recurring time and violates the data transfer rule, wherein the notification message comprises a request for selection of an option from the group consisting of an option to allow the packet to be sent or received and an option to not allow the packet to be sent or received;~~  
~~receiving a response from the subscriber device comprising the selected option;~~  
~~discarding the packet when the selected option is to not allow the packet to be sent or received; and~~  
~~forwarding the packet to the packet counter for counting when the selected option is to allow the packet to be sent or received.~~

48. (Currently Amended) The method of claim 47, wherein the filtering criteria comprises content payload criteria and wherein using the filtering criteria to determine whether the packet violates the data transfer rule when the packet is received during the recurring time period comprises using the filtering criteria to determine whether the packet comprises the ~~content~~ packet payload criteria when the packet is received during the recurring time period.

49. (Currently Amended) The method of claim 48, wherein the packet is an upstream packet and the ~~content~~ payload criteria are selected from the group consisting of subscriber personal information, a telephone number, a social security number, a driver's license number, a credit card number, and location information.

50. (Currently Amended) The method of claim 47, wherein the recurring time period is selected from the group consisting of a time segment defined by times of day and a time segment defined by days of a week. ~~the filtering criteria comprise time criteria and wherein using the filtering criteria to determine whether the packet violates the data transfer rule~~

~~comprises using the filtering criteria to determine whether the packet is received at the CMTS during a preset time period.~~

51. (Currently Amended) The method of claim 47, wherein the filtering criteria comprise ~~time criteria and~~ packet protocol criteria and wherein using the filtering criteria to determine whether the packet violates the data transfer rule when the packet is received during the recurring time period comprises using the filtering criteria to determine whether the packet that is received at the CMTS ~~during a preset time period~~ uses a particular protocol when the packet is received during the recurring time period.

52. (Currently Amended) The method of claim 47, wherein the filtering criteria comprises protocol criteria and wherein using the filtering criteria to determine whether the packet violates the data transfer rule when the packet is received during the recurring time period comprises using the filtering criteria to determine whether the packet received at the CMTS uses a particular protocol when the packet is received during the recurring time period.

53. (Currently Amended) The method of claim 47 further comprising:  
receiving an upstream packet;  
creating an entry into a connection database, wherein the entry in the connection database comprises an upstream packet identifier that identifies the upstream packet as originating from the subscriber device; and  
receiving a downstream packet, and  
wherein the filtering criteria comprises the upstream packet identifier, and wherein using the filtering criteria to determine whether the packet violates the data transfer rule when the packet is received during the recurring time period comprises using the filtering criteria to determine whether the downstream packet comprises the upstream packet identifier when the packet is received during the recurring time period.

54. (Previously Presented) The method of claim 47, wherein the CMTS further comprises a billing agent and wherein the method further comprises configuring the billing agent to receive a subscriber count trigger and to transmit a count message to the subscriber comprising a current packet count upon the receipt of the subscriber count trigger.

55. (Previously Presented) The method of claim 54, wherein the subscriber count trigger is selected from the group consisting of an end of billing cycle, a receipt of a subscriber count

request message, a subscriber count exceeding a subscriber selected trigger amount, and a subscriber count exceeding data over a cable carrier selected trigger amount.

56. (Previously Presented) The method of claim 54 further comprising configuring the billing agent to automatically transmit an electronic message identifying current subscriber data transfer counts to the subscriber upon the occurrence of the subscriber count trigger.

57. (Previously Presented) The method of claim 47, wherein the cable network is a hybrid fiber coaxial cable network.

58. (New) The method of claim 47 further comprising:

sending the subscriber device a notification message when the packet is received during the recurring time and violates the data transfer rule, wherein the notification message comprises a request for selection of an option from the group consisting of an option to allow the packet to be sent or received and an option to not allow the packet to be sent or received;

receiving a response from the subscriber device comprising the selected option;

discarding the packet when the selected option is to not allow the packet to be sent or received; and

forwarding the packet to the packet counter for counting when the selected option is to allow the packet to be sent or received.

59. (New) The system of claim 36, wherein the gateway agent further comprises instructions that cause the CMTS to:

send the subscriber device a notification message when the packet is received during the recurring time and violates the data transfer rule, wherein the notification message comprises a request for selection of an option from the group consisting of an option to allow the packet to be sent or received and an option to not allow the packet to be sent or received;

receive a response from the subscriber device comprising the selected option;

discard the packet when the selected option is to not allow the packet to be sent or received;  
and

forward the packet to the packet counter for counting when the selected option is to allow the packet to be sent or received.